



November 6, 2018

via FOIA Online submission

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (6MD-OE)
Dallas, Texas 75202-2733

Re: Freedom of Information Act Request for Documents

Dear Region 6 FOIA Officer:

On behalf of Doña Ana County, New Mexico and the City of Las Cruces, New Mexico, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we request electronic copies of certain documents, identified in further detail below.

Our office represents Doña Ana County and the City of Las Cruces in connection with the cleanup of the Griggs and Walnut Ground Water Plume Superfund Site (NM0002271286) located in Las Cruces, New Mexico.

Because the City and County are local governments and the request is made in order to clean up a Superfund site pursuant to CERCLA, we request a waiver of some or all fees associated with fulfilling this request pursuant to 32 CFR 286.28(d). In the event that the fees are not waived, Marten Law PLLC will accept responsibility for payment of reasonable costs to process this request. To that end, please provide us with the amount of such estimated or actual costs before fulfilling the request at your earliest convenience.¹

Please provide these records within 20 working days, as required by 5 U.S.C. § 552. Please also contact us if any portion of this request is unclear or requires clarification, as we would be happy to discuss ways to process this request that may require less cost or time, to assist you in determining key words, or to otherwise work with you to help clarify this request.

If you are unable to meet the 20 day deadline required by the statute, Marten Law PLLC will accept rolling releases of documents in response to this request, but asks that you contact us to provide a schedule of rolling releases.

Pursuant to the above, please provide us with copies of any and all **Documents** (see Definitions section below), whether in electronic or hardcopy form, for the following:

¹ Please note that Marten Law PLLC represents the City and County, and therefore, should be categorized as an “other requester” for purposes of this request.

Document Requests

1. Please provide all internal and external EPA communications (from January 1, 2000 through the date you conduct your search) that discuss the Site and the Solano Armory. This search should encompass both “federal records” (as kept in the Superfund Enforcement Records Management System or SEMS) and documents located in the native Lotus Notes or Outlook email files, as well as documents located on hard drives, shared drives, Sharepoint, OneDrive, instant messages, text messages, in an official EPA records system such as ECMS, or in paper form.

In particular, we request the following:

- All communications and correspondence, including internal and external communications and correspondence, discussing the role of the National Guard, New Mexico National Guard, or National Guard Bureau related to responsibility for or history of the contamination at the Site;
 - All communications and correspondence discussing or evaluating the New Mexico National Guard, the State of New Mexico, the National Guard Bureau, or the Department of Defense as a Potentially Responsible Party (“PRP”) or responsible party at the Site.
2. Any and all documents, communications, correspondence, or similar materials discussing the former Dry Cleaner facilities in the vicinity of North Main Street, including any data, samples, draft reports, or any other document supporting or discussing the elimination of the former Dry Cleaner facilities as a potential source of contamination at the Site;
 3. Any and all internal communications, correspondence, or documents discussing the determination, identification, or elimination of any party as a PRP at the Site.
 4. Any and all 104(e) information requests sent by EPA to any party as a result of the investigation of the Site (that have not been included in the EPA Administrative Record database for the Site or previously provided to the City and County); and
 5. All materials received in response to 104(e) information requests sent by EPA regarding the Site (that have not been included in the EPA Administrative Record database for the Site nor previously provided to the City and County).

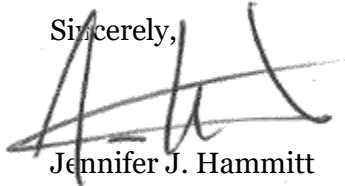
Please note that we are not requesting documents that are publicly available, or that have previously been provided to the City or County in connection with the Griggs and Walnut Site. You may therefore exclude any communications or documents that were included in the EPA Administrative Record database for the Site or previously provided to the City and County. However, we ask that you please inform us of which documents and records you are excluding from this response on the basis that such records were previously produced.

You may contact the undersigned to discuss search terms, custodians, or other information that may assist you in processing this request. We are happy to assist you in searching for responsive records so that this request may be processed within a reasonable time and at a reasonable cost.

To the extent that you claim any document or portion of document as exempt from disclosure, we request that you release all reasonably segregable portions of any such document, with a clear designation of volume of information withheld and basis for any withholding. *See* 40 C.F.R. 2.104(h). In addition, to the extent that you believe any record may be withheld in full as exempt, we ask for a listing or index of such records and the basis for any withholding.

Please contact the undersigned directly at 503-241-2650 or jhammitt@martenlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hammitt', with a stylized flourish at the end.

Jennifer J. Hammitt

Definitions

“The City” refers to the City of Las Cruces, a New Mexico municipality within the boundaries of Doña Ana County.

“The County” refers to the Doña Ana County, a political and administrative division in the southern portion of New Mexico.

“Document” means all writings of any kind, including but not limited to the originals and all non-identical copies (whether different from the originals by reason of any notation made on such copies or otherwise) of correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications), bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical or electric records or representations of any kind (including, without limitation, electronic documents, tapes, cassettes, discs, and recordings), all electronically stored information (“ESI”), and all drafts, alterations, modifications, changes and amendments of any of the foregoing.

“You” or “your” shall mean the United States Environmental Protection Agency (“EPA”), or any past or present division, affiliate, or related body, the party to whom these requests are addressed, and any agent, employee, or representative of EPA, including (a) experts, (b) consultants, (c) contractors or vendors, (d) attorneys retained by EPA and (c) other persons who have access to the requested information and from whom EPA can obtain such information.

“PRP” refers to a ‘Potentially Responsible Person, and is defined by CERCLA to be any individual or organization (including owners operators, transporters or generators) who may be responsible for, or contributed to, a release (defined by 42 U.S.C. § 9601(14) to include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing) of a hazardous substance or other contamination at a site.

The “Site” shall mean the Griggs and Walnut Ground Water Plume Superfund Site (EPA designation NM0002271286) located in Las Cruces, New Mexico.